



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0694	Title:	Revise fees for public documents and require timely response to requests
Primary Sponsor:	Butcher, Edward B	Status:	As Introduced

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| <input checked="" type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	unknown	unknown	unknown	unknown
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>unknown</u>	<u>unknown</u>	<u>unknown</u>	<u>unknown</u>

Description of Fiscal Impact: HB 694 revises public access to public documents, requires that a written request for public documents be complied with in 5 days, and revises the price that may be charged for providing a copy of a public document. The fiscal impact to the state is unknown.

FISCAL ANALYSIS

Assumptions:

1. The cost to the state due to implementation of HB 694 cannot be quantified.
2. All requests need legal review to ensure that non-public or private information is not disseminated pursuant to constitutional requirement that the "right to know" gives way where "the demand of individual privacy clearly exceeds the merits of public disclosure." (Article II, Section 9 of the Montana Constitution). As examples, the lawyer must review the documents to ensure the agency does not disclose non-public or private information such as: trade secrets, employment records, medical records, records relating to public safety, law enforcement or crime-related information, and information protected by the attorney-client privilege among others.

3. For simple requests for information, the 5-day deadline could be met. However, for complex requests to see all documents, covering many years, of many employees, involving broad subject matter areas or no subject at all, the 5 day deadline could not be met.
4. Agencies would not have the resources to comply with a large complex request with legal review within the 5-day deadline. It is impractical for an agency to request additional resources to deal with meeting the 5-day deadline, when this type of request may or may not be received. A large request could require hiring or contracting for a significant number of people in order to meet the deadline. The bill no longer allows recovery of “out-of-pocket” expenses such as these and the state agency would be obligated to pay for such expenses. Therefore, the fiscal impact of this legislation is unknown.

Effect on County or Other Local Revenues or Expenditures:

1. Implementation of the bill would have a similar significant but unidentifiable impact on local governments to comply with requests.

Sponsor's Initials

Date

Budget Director's Initials

Date